

SAFE AND SOBER STREETS ACT

• Mr. LAUTENBERG. Mr. President, on March 10, 1997, I introduced S. 412, the Safe and Sober Streets Act of 1997. I now ask that the text of the bill be printed in the RECORD.

The bill text follows:

S. 412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe and Sober Streets Act of 1997".

SEC. 2. STANDARD TO PROHIBIT OPERATION OF MOTOR VEHICLES BY INTOXICATED INDIVIDUALS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 162. National standard to prohibit the operation of motor vehicles by intoxicated individuals

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) FISCAL YEAR 2001.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(3), and 104(b)(5)(B) on October 1, 2000, if the State does not meet the requirement of paragraph (3) on that date.

"(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(3), and 104(b)(5)(B) on October 1, 2001, and on October 1, of each fiscal year thereafter, if the State does not meet the requirement of paragraph (3) on that date.

"(3) REQUIREMENT.—A State meets the requirement of this paragraph if the State has enacted and is enforcing a law that considers an individual who has an alcohol concentration of 0.08 percent or greater while operating a motor vehicle in the State to be driving—

"(A) while intoxicated; or

"(B) under the influence of alcohol.

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2002.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2002, shall remain available until the end of the third fiscal year following the fiscal year for which those funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2002.—No funds withheld under this section from apportionment to any State after September 30, 2002, shall be available for apportionment to that State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld from apportionment under subsection (a) are to remain available for apportionment to a State under paragraph (1), the State meets the requirement of subsection (a)(3), the Secretary shall, on the first day on which the State meets that requirement, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

"(A) IN GENERAL.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year during which those funds are so apportioned.

"(B) TREATMENT OF CERTAIN FUNDS.—Sums not obligated at the end of the period referred to in subparagraph (A) shall—

"(i) lapse; or

"(ii) in the case of funds apportioned under section 104(b)(5)(B), lapse and be made available by the Secretary for projects in accordance with section 118.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld from apportionment under subsection (a) are available for apportionment to a State under paragraph (1), the State does not meet the requirement of subsection (a)(3), those funds shall—

"(A) lapse; or

"(B) in the case of funds withheld from apportionment under section 104(b)(5)(B), lapse and be made available by the Secretary for projects in accordance with section 118."

"(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"162. National standard to prohibit the operation of motor vehicles by intoxicated individuals."•

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 83-420, as amended by Public Law 99-371, appoints the Senator from Arizona [Mr. MCCAIN] to the Board of Trustees of Gallaudet University.

The Chair, on behalf of the Vice President, in accordance with Public Law 81-754, as amended by Public Law 93-536 and Public Law 100-365, appoints the Senator from Vermont [Mr. JEFFORDS] to the National Historical Publications and Records Commission.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ROTH. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the executive calendar: Calendar No. 41.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed as follows:

DEPARTMENT OF JUSTICE

Lyle Weir Swenson, of South Dakota, to be United States Marshal for the District of South Dakota for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

REGARDING UNITED STATES OPPOSITION TO THE PRISON SENTENCE OF TIBETAN ETHNOMUSICOLOGIST NGAWANG CHOEPHEL

Mr. ROTH. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar order No. 22, Senate Resolution 19.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 19) expressing the sense of the Senate regarding United States opposition to the prison sentence of Tibetan ethnomusicologist Ngawang Choephel by the Government of the People's Republic of China.

The Senate proceeded to consider the resolution.

Mr. HELMS. Mr. President, Ngawang Choephel is lonely, locked up in a Chinese prison in Tibet. I do hope, Mr. President, that somehow, through Radio Free Asia or other means, he will learn that the Senate of the United States is sincerely concerned about him and will continue to work for his freedom—as we will for all prisoners of conscience in China and Tibet.

Senate Resolution 19 proposes to put the U.S. Senate on record in support of the release of Mr. Choephel, a strong resolution on China and Tibet at the U.N. Human Rights Commission in Geneva and access to Tibet for internationally recognized human rights group.

This resolution assures Tibetans—those in Nepal and India where they wait for the day they can reclaim their homeland, and those inside Tibet where they resist the cultural, religious, and political oppression of the Chinese Central Government—we in the United States have not forgotten you. We are with you. We will always be with you.

Yesterday, March 10, was Tibet National Uprising Day, the anniversary of Tibet's 1959 uprising against the Chinese occupation.

For almost 40 years, the Tibetan people have been resisting Chinese occupation, while working to preserve their culture in exile in India and Nepal. Repression inside Tibet has been raised to a level not seen since the Cultural Revolution. China has absorbed large portions of Tibet into neighboring provinces and conducted a concerted campaign to dilute Tibet's population through the relocation of Han Chinese. Tibet's leaders fear that Tibetans are now in the minority inside Tibet.

China seeks to limit the number of young people who enter religious life. Monks are forced to undergo political indoctrination and to renounce the Dalai Lama. The Dalai Lama himself is the focus of virulent attacks. His photograph is banned. China has detained the Panchen Lama, a young boy who is the reincarnation of Tibet's second most important religious figure, and selected its own rival Panchen Lama. The number of political prisoners has